

baculovirus infection is inhibited, when said baculovirus includes a functional p35 gene.

50. (New) A cultured cell line comprising an Sf9 insect cell line that is susceptible to infection by a baculovirus, and is engineered to express a recombinant polynucleotide that encodes AcNPV p35.
51. (New) A cell line selected from the group consisting of ATCC accession number PTA-3099 and ATCC accession number PTA-3100

R E M A R K S

The Office Action of April 12, 2001 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is earnestly requested. Claims 45-51 remain in this case, claims 1-7, 9-17, 19, 26-34 and 36-44 being canceled, and new claims 45-51 being added by this response. The specification is also amended to make reference to ATCC deposits of the subject cell lines. New claims 45-51 are supported generally throughout the application and by the original claims; no new matter has been added.

Entry of this Amendment is earnestly requested, as it is believed (1) to place the entire application in condition for allowance, (2) not to raise any new issues or require further search, (3) to be directly responsive to the Final Office Action, and (4) to place the application in even better form for appeal, should such appeal be necessary.

A Declaration to Support Deposit of Biological Material and a receipt showing that such deposit has in fact been made, a new Sequence Listing and Petition and fee for extension of time under 37 CFR § 1.136 also accompany this Amendment.

Rejections under 35 U.S.C. § 103

Applicant hereby expressly acknowledges the obligation under 37 CFR § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made, in order for the Examiner to consider the applicability of 35 U.S.C. § 103(a) and potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103(a).

Claims 1-4, 6, 7, 9-14, 16, 17 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cartier *et al.* in view of Mastrangelo *et al.* Claims 1-4, 6, 7, 9-14, 16, 17 and 19 are cancelled. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rabizadeh *et al.* in view of Mastrangelo *et al.* Claim 15 is cancelled. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 26, 30, 32, 33, 39 and 40 were rejected under 35 U.S.C. § 103(a) as being anticipated by McLachlin *et al.* in view of Mastrangelo *et al.* Claims 26, 30, 32, 33, 39 and 40 are cancelled. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Rejections under 35 U.S.C. § 112, First Paragraph

Claims 1-2, 4-7, 9-17, 19, 26-34 and 36-42 were rejected under 35 U.S.C. § 112, first paragraph. Claims 1-2, 4-7, 9-17, 19, 26-34 and 36-42 are cancelled. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 1-2, 4-7, 9-17, 19, 26-34 and 36-42 were rejected under 35 U.S.C. § 112, first paragraph. Claims 1-2, 4-7, 9-17, 19, 26-34 and 36-42 are cancelled. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 37-38 and 43-44 were rejected under 35 U.S.C. § 112, second paragraph. Claims 37-38 and 43-44 are cancelled. More particularly, claims 37 and 43 are cancelled and replaced by new claims 45, 46, 49 and 50. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Conclusion

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully

requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:

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